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INTERTRUST TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERTRUST TECHNOLOGIES
CORPORATION,
a Delaware corporation,

Plaintiff,

v.

MICROSOFT CORPORATION, a
Washington corporation,

Defendant.

C 02 - 0647

COMPLAINT FOR INFRINGEMENT OF
U.S. PATENT NO. 6,157,721

DEMAND FOR JURY TRIAL

Plaintiff INTERTRUST TECHNOLOGIES CORPORATION (hereafter "InterTrust")
hereby complains of Defendant MICROSOFT CORPORATION (hereafter "Microsoft"), and
alleges as follows:

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 **JURISDICTION AND VENUE**

2 1. This action for patent infringement arises under the patent laws of the United States,
3 Title 35, United States Code, more particularly 35 U.S.C. §§ 271 and 281.

4 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5 3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

6 **THE PARTIES**

7 4. Plaintiff InterTrust is a Delaware corporation with its principal place of business
8 at 4750 Patrick Henry Drive, Santa Clara, California.

9 5. InterTrust is informed and believes, and on that basis alleges, that Defendant
10 Microsoft is a Washington Corporation with its principal place of business at One Microsoft
11 Way, Redmond, Washington.

12 6. InterTrust is informed and believes, and on that basis alleges, that Defendant
13 Microsoft does business in this judicial district and has committed and is continuing to commit
14 acts of infringement in this judicial district.

15 7. InterTrust is the owner of United States Patent No. 6,157,721, entitled "Systems
16 and methods using cryptography to protect secure computing environments" ("the '721 patent"),
17 duly and lawfully issued on December 5, 2000.

18
19 **FIRST CLAIM FOR RELIEF**

20 8. InterTrust hereby incorporates by reference paragraphs 1-7 as if restated herein.

21 9. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281.

22 10. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
23 been and is infringing the '721 patent under § 271(a). InterTrust is further informed and
24 believes, and on that basis alleges, that Microsoft's infringement of the '721 patent under
25 §271(a) will continue unless enjoined by this Court.

26 11. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
27 been and is knowingly and intentionally inducing others to infringe directly the '721 patent under
28 § 271(a), thereby inducing infringement of the '721 patent under § 271(b). InterTrust is further

1 informed and believes, and on that basis alleges, that Microsoft's infringement of the '721 patent
2 under §271(b) will continue unless enjoined by this Court.

3 12. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
4 been and is contributorily infringing the '721 patent under § 271(c) by providing software and
5 related functions especially made or especially adapted for infringing use and not staple articles
6 or commodities of commerce suitable for substantial noninfringing use. InterTrust is further
7 informed and believes, and on that basis alleges, that Microsoft's infringement of the '721 patent
8 under §271(c) will continue unless enjoined by this Court.

9 13. InterTrust is informed and believes, and on that basis alleges, that Microsoft is
10 willfully infringing the '721 patent in the manner described above in paragraphs 10 through 12,
11 and will continue to do so unless enjoined by this Court.

12 14. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
13 derived and received, and will continue to derive and receive from the aforesaid acts of
14 infringement, gains, profits, and advantages, tangible and intangible, the extent of which are not
15 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has
16 been, and will continue to be, irreparably harmed.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, InterTrust prays for relief as follows:

19 A. That Microsoft be adjudged to have infringed the '721 patent under 35 U.S.C. §
20 271(a);

21 B. That Microsoft be adjudged to have infringed the '721 patent under 35 U.S.C. §
22 271(b) by inducing others to infringe directly the '721 patent under 35 U.S.C. § 271(a);

23 C. That Microsoft be adjudged to have contributorily infringed the '721 patent under
24 35 U.S.C. § 271(c);

25 D. That Microsoft be adjudged to have willfully infringed the '721 patent under 35
26 U.S.C. §§ 271(a), (b), and (c);

27 E. That Microsoft, its officers, agents, servants, employees and attorneys, and those
28 persons in active concert or participation with them be preliminarily and permanently restrained

1 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '721 patent;

2 F. That this Court assess pre-judgment and post-judgment interest and costs against
3 Microsoft, and award such interest and costs to InterTrust, pursuant to 35 U.S.C. § 284; and

4 G. That InterTrust have such other and further relief as the Court may deem proper.

5 Dated: February 6, 2002

KEKER & VAN NEST, LLP

6
7 By: 

MICHAEL H. PAGE
Attorneys for Plaintiff
INTERTRUST TECHNOLOGIES
CORPORATION

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff InterTrust hereby demands a trial by jury as to all issues triable by jury,
3 specifically including, but not limited to, the issue of infringement of United States Patent No.
4 6,157,721.

5
6 Dated: February 6, 2002

KEKER & VAN NEST, LLP

7
8
9 By: 

MICHAEL H. PAGE
Attorneys for Plaintiff
INTERTRUST TECHNOLOGIES
CORPORATION

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